

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 3:11-CR-00190-K
	§	
DONALD JAY DAVIS	§	

**FACTUAL RESUME**

**Information:** One Count: Possession of Methamphetamine With Intent to Distribute  
21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)

**PENALTY:** A fine not to exceed the greater of \$1,000,000, or twice any pecuniary gain to the defendant or loss to the victim(s); imprisonment for a period of not more than twenty (20) years; a mandatory term of supervised release of not less than three (3) years, which must follow any term of imprisonment (If the defendant violates the conditions of supervised release, he could be imprisoned for the entire term of supervised release); a mandatory special assessment of \$100; restitution to victims or to the community, which may be mandatory under the law, and which the defendant agrees may include restitution arising from all relevant conduct, not limited to that arising from the offense of conviction alone; costs of incarceration and supervision; denial of certain federal benefits (as defined in 21 U.S.C. §862(d) for a period of five (5) years; permanent ineligibility for assistance under any state program funded under part A of Title IV of the Social Security Act; and permanent ineligibility for benefits under the food stamp program or any state program carried out under the Food Stamp Act of 1977.

**ELEMENTS OF  
THE OFFENSE:**

In order to establish the guilt of the defendant of the offense of possession of methamphetamine with intent to distribute as alleged in the Information, the government must prove each of the following elements beyond a reasonable doubt:

1. That on or about the date charged the defendant intentionally or knowingly possessed an amount of the Schedule II controlled substance, methamphetamine; and

2. That the defendant intended to distribute the methamphetamine to others.

**STIPULATED  
FACTS:**

1. On 12-15-2008, at approximately 2:30 p.m., members of the DEA Fort Worth Resident Office established surveillance at 2116 San Fernando, Bedford, Texas, the residence of Thomas L. Gerry. At that time a 2000 blue Dodge pick-up truck Texas license plate 72SXZ7 was observed at the residence. Registration records for the vehicle reflected that it was owned by Donald Jay Davis, 2712 Twinflower, Fort Worth, Texas.
2. At approximately 3:10 p.m., DEA S /A Robinson observed Donald Jay Davis leave the residence, enter the above described Dodge pickup, and depart the area. Surveillance was maintained on the vehicle. A request was made to Tarrant County Deputy Sheriff Wiesman to conduct a traffic stop on the Davis vehicle if possible. After a moving violation was observed, Deputy Wiesman - who was in a marked Sheriff's Department patrol unit - initiated a traffic stop on the vehicle as it pulled into the driveway at 2712 Sunflower, Fort Worth, Texas.
3. Deputy Wiesman made contact with Davis as he exited the vehicle. Deputy Wiesman asked Davis if he had a criminal history. Davis stated yes, drugs and weapons. Deputy Wiesman asked Davis to place his hands on the tailgate of the vehicle so Deputy Wiesman could pat Davis down for officer safety. Davis immediately ran on foot through the garage of 2712 Twinflower, Fort Worth, Texas, attempted to slam the door leading into the residence. Davis was arrested inside the house after a short pursuit.
4. Deputy Wiesman searched the vehicle pursuant to the consent to search Davis had previously given. During a search of the vehicle Deputy Wiesman located a black nylon bag, hidden under the driver's side dash board. Inside the bag Deputy Wiesman found a clear zip-lock bag containing a crystal rock like substance that Deputy Wiesman believed to be methamphetamine.
5. The seized methamphetamine was analyzed at the DEA-SCL and found to be 27.3 grams of 42.1% pure methamphetamine hydrochloride. Davis had obtained this methamphetamine from Gerry and intended to distribute it to others. Davis had been obtaining methamphetamine from time to time from Gerry and his confederates and continued to do so until August 20, 2009 when Davis and Gerry were both arrested.

AGREED TO AND SIGNED on the dates shown below.

Donald J. Davis

Donald J. Davis

Defendant

Date Signed: 8-10-11

Derek Brown

Derek Brown

Attorney for Donald J. Davis

Date Signed: August 10, 2011